

REMARKS

Applicant respectfully requests reconsideration in view of the following remarks. Claims 1, 14, 17, and 30 are amended. Accordingly, claims 1-32 are pending in the application.

I. Claims Rejected Under 35 U.S.C. § 112

Claims 1-32 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. To comply with the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention at the time of filing. See MPEP § 2163.

The Examiner asserts that there is no clear and exact written description for the terms "physical resource object" and "virtual resource object" in Applicant's Specification. Applicant respectfully disagrees with the Examiner. The terms "physical resource object" and "virtual resource object" are disclosed in paragraphs [0012], [0046] and Fig. 6 of the Specification. Further, in paragraph [0013] of the Specification, examples of physical resources and virtual resources are listed, and these physical and virtual resources are grouped into the two categories of parent objects (resource producers) and child objects (resource consumers) by a resource manager to maintain a global resource namespace. Paragraph [0015] of the Specification discloses that the resource manager manipulates objects, by attaching child objects to parent objects, to create a record of resources. One of ordinary skill in the art would understand physical and virtual resource objects can be classified as parent or child objects by determining whether a resource is a producer or consumer. See Specification Fig. 2, Fig. 3. Hence, the resource manager manipulates these physical resource objects and virtual resource objects in the form of parent and child objects to create the record of resources. One of ordinary skill in the art would understand the meaning of "physical resource object" and "virtual resource object" as

disclosed in the Specification. Thus, one of ordinary skill in the art would understand that the inventor possessed the claimed invention at the time of filing. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 112, first paragraph rejection of claims 1-32.

The Examiner further asserts that there is no clear written description of "creating a tree relationship for the parent and child objects to the physical and virtual resource objects." In particular, the Examiner asks, "[w]hat is the relationship between the 'parent and child object' to the 'physical and virtual resource?'" As discussed previously and disclosed in paragraph [0013] of the Specification, the relationship between parent and child objects to physical and virtual resources is determined by whether the physical and virtual resources are resource producers or consumers. For example, one of ordinary skill in the art would understand that a physical resource object or virtual resource object that is a resource producer would be a parent object, and a physical resource object or virtual resource object that is a resource consumer would be a child object. See Specification, paragraph [0013]. Thus, as disclosed in Fig. 2 and Fig. 3, the resource manager manipulates these physical and virtual resource objects to create a tree relationship for the parent and child objects to the physical and virtual resource objects. See Specification, paragraphs [0024]-[0028] and [0030]-[0034]; see also Specification, paragraph [0015]. In paragraphs [0029] and [0035] of the Specification, the resource manager can then determine the net available bandwidth of the system by walking the various branches of the tree structure. Therefore, the Specification and Figures describe the claim limitation of "creating a tree relationship for the parent and child objects to the physical and virtual resource objects."

Applicant respectfully submits that the claim language is fully supported by the Specification. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 112, first paragraph rejection of claims 1-32.

## II. Claims Rejected Under 35 U.S.C. § 103

Claims 1-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent 6,799,208 issued to Sankaranarayanan et al. (hereinafter "Sankaranarayanan"). To establish a *prima facie* case of obviousness the Examiner must show that the cited references, combined, teach or suggest each of the elements of a claim.

In regard to claim 1, Applicant has amended this claim to include a further limitation. Sankaranarayanan does not disclose, "determining a net availability of a resource of a parent object by *traversing the tree of relationships*" (emphasis added). Sankaranarayanan discloses a resource manager making a resource descriptor list and iterating through the resource descriptor list in order to calculate resource availability. See Sankaranarayanan, Col. 13, lines 4-32. For each element in the resource descriptor list, the resource manager calls an add accumulator function provided by a resource provider and the resource provider indicates to the resource provider whether the requested amount of resources can be satisfied. See Sankaranarayanan, Col 13, lines 25-39; Col. 16, lines 2-8. Since Sankaranarayanan discloses the resource manager iterating through a list to calculate resources, Sankaranarayanan does not disclose the cited element of claim 1. Thus, for at least the previous reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1.

In regard to claims 2-13, these claims depend from independent claim 1 and incorporate the limitations thereof. Thus, for at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of these claims.

In regard to claims 14, 17, and 30, these claims include similar limitations disclosed in claim 1. Thus, analogous arguments pertaining to claim 1 are applicable to these claims. Thus, for at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of these claims.

In regards to claims 15, 16, 18-29, 31, and 32, these claims depend from independent claims 14, 17, and 40. Thus, for at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of these claims.

**CONCLUSION**

In view of the foregoing, it is believed that all claims now pending, namely claims 1-32, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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Melissa Stead

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